

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG DIVISION

STEVEN BROWN, et al.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:22-cv-00080
)	
THE BUREAU OF ALCOHOL, TOBACCO,)	
FIREARMS, AND EXPLOSIVES, et al.,)	
)	
Defendants.)	
_____)	

[PROPOSED] ORDER

AND NOW, this ____ day of December, 2023, upon consideration of Defendants’ Motion for a Stay of Injunction Pending Appeal, ECF No. 42, is hereby **GRANTED**.

It is further **ORDERED** that the Court’s judgment, ECF Nos. 40–41, is hereby **STAYED** until the time has lapsed for a party to appeal this Court’s judgment or to file a writ of certiorari from an appellate mandate, or until a final mandate has been issued by an appellate court in this matter, whichever is later. It is further **ORDERED** that the Court’s judgment, ECF Nos. 40–41, is amended to clarify that, in the event the stay is lifted, Defendants are enjoined from taking enforcement actions taken against federal firearm licensees (FFLs) for violations of 18 U.S.C. §§ 922(b)(1) and (c)(1). The Court’s judgment is further amended to clarify that the injunction does not apply to sales of handguns to persons prohibited from possessing a firearm under 18 U.S.C. § 922(g) or any other provision of federal law or to the named plaintiffs in *McCoy v. ATF*, No. 23-2085 (4th Cir.), and *Reese v. ATF*, No. 23-30033 (5th Cir.). The Court’s judgment is further amended to clarify that the injunction applies only to sales of handguns to the named Plaintiffs in this case.

BY THE COURT:

Thomas S. Kleeh, U.S.D.J.